

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

WILLIAM E. RUPP,)	
)	
Claimant,)	IC 04-518419
)	
v.)	
)	
TRUSSCRAFT, INC.,)	
)	
Employer,)	
)	ORDER
)	
IDAHO STATE INSURANCE FUND,)	Filed June 26, 2006
)	
Surety,)	
)	
Defendants.)	
_____)	

Pursuant to Idaho Code § 72-717, Referee Alan Taylor submitted the record in the above-entitled matter, together with his proposed findings of fact and conclusions of law to the members of the Idaho Industrial Commission for their review. Each of the undersigned Commissioners has reviewed the record and the recommendations of the Referee. The Commission concurs with these recommendations. Therefore, the Commission approves, confirms, and adopts the Referee's proposed findings of fact and conclusions of law as its own.

Based upon the foregoing reasons, IT IS HEREBY ORDERED That:

1. Claimant has proven that he is entitled to left knee revision surgery due to his April 27, 2004, industrial accident.
2. Claimant's claim is not foreclosed by his 2003 Lump Sum Settlement Agreement or barred by res judicata or collateral estoppel.

3. Defendants are not entitled to a credit for future medical benefits paid pursuant to the 2003 Lump Sum Settlement Agreement.

Pursuant to Idaho Code § 72-718, this decision is final and conclusive as to all issues adjudicated.

DATED this 26th day of June, 2006.

INDUSTRIAL COMMISSION

/s/
Thomas E. Limbaugh, Chairman

/s/
James F. Kile, Commissioner

/s/
R. D. Maynard, Commissioner

ATTEST:

/s/
Assistant Commission Secretary

CERTIFICATE OF SERVICE

I hereby certify that on the 26th day of June, 2006, a true and correct copy of the foregoing **Order** was served by regular United States Mail upon each of the following persons:

DARIN G MONROE
PO BOX 50313
BOISE ID 83705

JON M BAUMAN
PO BOX 1539
BOISE ID 83701

kr

/s/_____